

**MINUTES  
BOARD OF APPEALS  
Monday, March 17, 2014  
City Hall, Room 604  
5:30 p.m.**

**MEMBERS PRESENT:** Jim Reck, John Bunker, Thomas Hoy, Rob Marx

**MEMBERS EXCUSED:** Don Carlson and Bob Maccaux

**OTHERS PRESENT:** Dan Lindstrom, Mike Jaeckel, Adam Heiser, Jamie Blom, Jerry Hanson, Stewart Deydra, and Greg Flisram

J. Reck called the meeting to order and asked the Board if anyone needed to abstain from voting; all replied no. He asked if any members had gone to the properties. T. Hoy stated he visited the property for Items #1, and #3. J. Reck stated he did visit all the properties. He then asked if anyone spoke with anyone regarding the variance requests. All replied no.

**APPROVAL OF MINUTES:**

Approval of the November 18, 2013, minutes of the Board of Appeals

A motion was made by J. Bunker and seconded by R. Marx to approve the November 18, 2013, minutes of the Board of Appeals. Motion carried.

**OLD BUSINESS:**

1. Mike Jaeckel, property owner, proposes to reduce the length of a required and approved fence for buffering in a Special Purpose Residential Light Industrial (S-RLI) District at 1133 South Broadway. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-2107(b)(1), required screening for nonresidential uses that abut a residential use.

Mike Jaeckel – 1847 Ledgeview Road, De Pere: M. Jaeckel stated he is required to build a fence. He stated the new fence would run through the neighbor's driveways and prohibit snow removal and everyday use of their driveways if he was to build the fence as specified. He is requesting to deviate from the specific plan and shorten the length of the fence along the property line on the north and south sides of the fence.

J. Reck asked if the fence is on the lot line.

M. Jaeckel stated that was correct.

J. Bunker stated he sees no reason not to approve the request, especially if the neighbors are in support of this solution.

A motion was made by R. Marx and seconded by T. Hoy to approve the variance as requested. Motion carried 4-0.

**NEW BUSINESS:**

2. Mark J. Robbins, on behalf of Michael Cuene, property owner, proposes to provide new roof-mounted equipment for an existing car dealership in a Highway Commercial (C2) District at 1112 South Military Avenue. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code Section 13-1815(b) roof-mounted screening.

There was no representation for this item.

J. Reck asked commissioners what their position was on this item.

D. Lindstrom stated that they are requesting to deviate prescribed utility screening under the current code.

J. Reck asked if this was a new building.

D. Lindstrom stated that it was new utilities on an existing building.

J. Reck stated most roof mounted equipment on Military Avenue had been grandfathered in under old building ordinances.

A motion was made by R. Marx and seconded by J. Bunker to approve the variance as requested. Motion carried 3-1.

3. John & Linda Heiser, property owners, propose to remove an existing garage and construct a new garage in a Low Density Residential (R1) District at 807 Kellogg Street. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code Section 13-615, Table 6-4, front, side, and rear yard setback.

Adam Heiser – 348 S. Le Capitaine Circle: A. Heiser stated he was there to speak on behalf of the property owners John and Linda Heiser; which are his parents. They are requesting to raze and build a new garage deviating from the front, side, and rear setbacks, making the garage about 3 feet longer.

J. Reck asked if he was familiar with how the neighbors are with this issue.

A. Heiser stated that to his knowledge and in talking with his parents, the neighbors would be happy seeing the garage taken down as it is an eye sore and have no issues with the garage being on the lot lines.

T. Hoy asked if the existing structure was going to be replicated.

A. Heiser stated that was correct. They tried to explore the option of an attached garage, but it would not be cost effective due to the layout of the house.

D. Lindstrom stated if the variance was approved, there would have to be an amendment to the variance request. The maximum impervious surface coverage for an R1 District is 50%. The other concern is the definition of a “zero” lot line. He further asked if this is where the wall of the building or where the roof line will be. Staff is concerned about having a building wall against the property line and having the roof hang over onto the neighbor’s property.

A. Heiser stated that with the existing structure, the walls are on the lot line. As far as the design of the garage and roof, they are open to suggestions to make it as simple as possible.

D. Lindstrom stated this is the main concern, having the roof hang over onto someone else’s property. Another concern is not having a true description showing what is on site and where the garage would be located.

J. Reck asked D. Lindstrom what the issue is with separation from the house.

D. Lindstrom stated separation from the house, detached accessory structures from a habitable structure (living unit) must be fire rated for any areas of the structure located within 10 feet of the living unit.

A. Heiser stated he understood and that had been mentioned as they were drawing up site plans for the garage.

J. Reck asked A. Heiser if the applicant would be willing to move the building off the lot line by one foot.

A. Heiser stated that could be possible. He stated the back wall isn't the problem; it is the side wall there might be an issue with and being able to open a car door in the garage. The existing structure is 12 feet wide and the proposed one is 13 feet wide. He stated if we were able to stay at 12 feet and move one foot over from the side and still maintain a 3 foot distance between the buildings it should still be feasible and be a garage and not a shed.

J. Reck asked D. Lindstrom if the 3 feet is code.

D. Lindstrom stated 3 feet is the required distance but that too is part of the issue. There is not enough information to show if the garage and house can fit on this lot. A survey would show the appropriate measurements to figure exactly where the lot line is. This will determine how much space you can have between the structures.

J. Reck stated that BOA is to determine whether or not to grant the setbacks from the lot lines and not the lot line placements. He asked D. Lindstrom if that was correct. We are not saying he doesn't have enough room to place the building, we would just be granting either how it is applied for with the zero (0) setback or amending the request. He asked A. Heiser if he knew anything about when the lot lines were established.

A. Heiser stated it has been a while since they have been done. They assumed the lot line is where the neighbor built their fence, but according to other maps, it looks like the lot line runs just on the other side of the garage.

D. Lindstrom informed BOA and the petitioner the orthographic photos can only be used as a guide.

R. Marx made a motion to amend the variance to make a one foot side and back yard setback with a maximum 10 inch overhang. It was suggested that they may want to look into the cost of surveying as it may help; also, to include the variance on the maximum 50% impervious surface requirement.

A. Heiser asked if they would need to come and get an amendment to the variance if the lot line was 2 feet off one direction or another.

J. Reck stated no, as they were granting them a one (1) foot setback from the lot line, wherever the lot lines would be.

J. Bunker asked if it would be better to require a survey rather than recommend. This will avoid them from building onto someone else's lot line unknowingly.

J. Reck asked R. Marx if he would agree to add this as a requirement to his motion.

R. Marx stated he preferred a different motion be offered.

T. Hoy stated that it is necessary to know where the lot line is.

R. Marx withdrew his motion.

A motion was made by J. Bunker, seconded by T. Hoy, to approve the variance as amended with a required survey to determine lot lines. Once the survey is completed, there will be a one (1) foot variance off the rear and side yards with 10 inch overhangs, and to grant a variance to the maximum impervious surface requirements. Motion carried 3-1.

4. Jerry Hanson, on behalf of the Green Bay Packers, Inc., proposes to expand/renovate the building and grounds on the north and east side of Lambeau Field in a Public Property (PI) District at 1265 Lombardi Avenue. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code Section 13-1706, Maximum driveway width, Section 13-1709, setback for parking areas, Section 13-1821, interior lot landscaping.

Jerry Hanson, Staff Council for the Green Bay Packers: J. Hanson stated also with him was Stewart Deydra, one of the developers for this project. They are expanding The Packer's Pro Shop on the ground level with Lombardi Avenue, and moving Harlan Plaza to the west to accommodate for this expansion. They are also expanding the Atrium and moving the Packer's Hall of Fame from the basement to the 2<sup>nd</sup> floor and Curly's Pub to the first floor. They have 3 requests before the Board of Appeals tonight. The first is the driveway width. They are asking to deviate from the ordinance and expanding the driveway to 35'. The second request is for parking around the perimeter in the front. The requirement is a 15 foot setback and this would take out 40 – 45 parking spots. They are asking for a reduced front yard setback. The third is the interior landscaping. It is required for parking with 25+ parking to devote at least 10% of the space to green space. They are requesting to eliminate the curbs throughout the property as this may be a tripping hazard for the fans and would make it easier to clear the parking lot of snow. There will be a green area in front of Harlan Plaza, which will be roughly 12%.

J. Reck asked J. Hanson if they are cutting the driveway to make a left / right turn lane, one lane in and two lanes out and that the setback is on Lombardi Avenue, as they want the setback to close to zero.

J. Hanson stated that was correct and that the setback on Lombardi Avenue, prior to the ordinance, was zero and is now 15 feet. He stated that they do want to have the setback to as close to zero as possible. There is currently a sidewalk around the perimeter and there will continue to be a sidewalk there.

J. Hanson and S. Deydra explained to the Commissioners the next phases of the construction.

J. Reck asked for S. Deydra to identify himself for the record.

S. Deydra stated his name is Steward Deydra and is with Hammes Company.

D. Lindstrom asked what the distance is, that is showing, from the edge of the property line to the parking.

J. Hanson stated he believes it is three (3) feet.

D. Lindstrom wanted clarification regarding deviating from 13-1821 regarding the islands and medians. However, 1821a(2) also talks about trees, and a landscape plan was not provided with the total number of trees. This request, as is, would not require trees as part of the parking lot improvements.

J. Hanson stated that they get many requests to remove trees; however, have established a fair number of trees in the plan.

S. Deydra stated there are 13 Birch trees, one for each championship and 5 trees along a park area as well as six (6) inch Caliper trees along the building. Some of the planters will have some small trees.

D. Lindstrom asked if the area of disturbance was shaded in gray on their map and asked how many parking stalls would there be.

J. Hanson stated yes and there would be about 250 parking stalls.

J. Bunker stated he has no issues granting the variances.

J. Reck stated he also has no issues with the application for variances. He doesn't see this as much of a hardship, but rather a unique circumstance. He also sees no reason not to grant the variances.

D. Lindstrom asked the applicant if the request would be limited to the area of disturbance.

A motion was made by R. Marx and seconded by T. Hoy to approve the variance as requested, but limited to the area of disturbance provided in the exhibits. Motion carried 4-0.

5. Tyler Warner, City Deck Landing, LLC, proposes to construct a mixed use project called the City Deck Landing in a Downtown Two (D2) District at 100 Main Street. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code Section 13-1719, Table 17-2, required parking.

Jamie Blom – 300 N Broadway, Suite 2B – J. Blom stated he is with SMET Construction and is the general contractor for the project. They are requesting a reduction in the required amount of parking spots as per code. There will be a total of 91 parking stalls for the development to serve the residence on the apartments which will be 76 units. This will provide a one (1) to one (1) parking ratio for the residence and then will have approximately 15 additional stalls that will help service the retail need. The required amount of parking spaces is 108 spots.

J. Reck asked for clarification as the application states “due to City Deck Court being a dead end, and area for vehicle turnaround is proposed rather than parking stalls”.

J. Blom stated that S. Greiner from Department of Public Works stated he wanted a cul-du-sac feature to allow vehicles to turn around.

J. Bunker stated it is hard to meet the requirements for parking anywhere in the downtown area.

J. Reck stated the number of parking spots shorted of the requirement is minimal. He does not think this should stop this development from moving forward.

A motion was made by J. Bunker and seconded by R. Marx to grant the variance as requested. Motion carried 4-0.

D. Lindstrom stated the new Planning Director, Kimberly Flom, will be starting on April 14, 2014.

A motion was made by J. Bunker and seconded by R. Marx to adjourn the meeting at 6:28 p.m. Motion carried 4-0.

Meeting adjourned.